

**MASSACHUSETTS GENERAL LAWS**  
**CHAPTER 90 MOTOR VEHICLES AND AIRCRAFT**  
**SECTIONS 51D – 51M**

**Section 51D Municipal airports and air navigation facilities** - Upon appropriation and subject to all applicable provisions of law, airports and air navigation facilities may be established from time to time and may be maintained and operated by any city or town as provided in sections thirty-five to fifty-two, inclusive.

**Section 51E Airport commissions for municipal airports; members; vacancies; airport managers** - In any city or town in which an airport is established under section fifty-one D, or under any other provision of law, there shall be established a board consisting of an odd number of members not less than three nor more than eleven in number, to be called the airport commission, which shall have the custody, care and management of the municipal airport of said city or town. Of the members appointed at least one shall be a person having experience in aeronautics. An airport commission may be established as herein provided in any city or town for the purpose of establishing an airport therein. Except as provided otherwise in any special law, enacted prior to January first, nineteen hundred and forty-seven, relating to an airport commission in any city or town, the members of the airport commission shall be appointed, in cities, by the mayor with the approval of the city council, and in towns by the selectmen. In the initial appointment of the members of such an airport commission, their terms shall be so arranged that one third of the members, as nearly as possible, will expire each year; and thereafter when the term of any member expires his successor shall be appointed to serve for the term of three years and, in each instance, until the qualification of his successor. Vacancies in the commission shall be filled for the unexpired term by the appointing authority. The members of said airport commission shall annually choose one of their members as chairman. The airport commission may appoint an airport manager who shall be qualified by general management experience and aeronautical knowledge and shall be the executive officer of said commission, and may also appoint an assistant airport manager who shall be qualified as aforesaid. Neither the airport manager nor the assistant airport manager shall be subject to chapter thirty-one. The assistant airport manager shall act in place of the airport manager at such times and under such conditions as the airport commission may direct. The airport manager, and the assistant airport manager when acting in place of the airport manager under the direction of the airport commission, shall be responsible to said commission for the proper maintenance and operation of such airport and of all facilities under his supervision. Subject to appropriation, said commission shall appoint such other officers and employees as its work may require and shall fix the salaries of all officers and employees appointed or employed by it.

**Section 51F Leasing of land at airports** - Any airport commission may let or lease, for a period not exceeding twenty years, those land areas at any airport under its control which are used for airport purposes, under such terms and conditions as it may prescribe, for hangars, shops, storage, industrial purposes, offices and other space rental, and for concessions, and may lease any other areas at such an airport for any purpose. With the approval of the mayor and the city

council in cities or the approval of a town meeting, as the case may be, said commission may so let or lease for a longer period; provided, that no such airport in the cities of New Bedford and Beverly shall be let or leased except with the approval of the mayor and the city council, or in the town of Southbridge by vote of the town.

**Section 51G Acquisition of property to establish airport; eminent domain; purchase; lease -** For the purpose of establishing an airport, the airport commission of a city or town, whenever appropriations have been made therefor, may take property by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or may acquire property by purchase, lease or otherwise, both within and without its territorial limits for airport purposes and may so take or acquire such easements in airport hazards outside the boundaries of an airport or airport site as may be necessary for the removal or the prevention of the establishment of any airport hazard. For the purpose of making surveys or examinations relative to any proposed taking by eminent domain, such airport commission or its authorized agent may make a reasonable entry upon land.

**Section 51H Charges or rentals for use of properties, facilities, installations; terms and conditions of contracts -** An airport commission shall determine the charges or rentals for the use of any properties, facilities, installations, landing fees, concessions, uses and services and shall determine the terms and conditions under which contracts may be executed by the commission on behalf of such city or the town. Such charges or rentals shall be reasonable and shall be established with due regard to the property used and the expenses to the airport commission of the operation thereof. In all such contracts as may be executed for the foregoing privileges or licenses or any of them the public shall not be deprived of its rightful, legal and uniform use of such properties, facilities and installations.

**Section 51I Power of commission; expenditure of funds; contracts for maintenance, operation, construction and enlargement of airports -** The airport commission of any city or town shall be authorized to expend any funds granted to, or received from any source or appropriated by, such city or town for airport purposes and may make contracts for the maintenance, operation, construction, enlargement and improvement of the airport and for the purchase of materials, supplies and equipment pursuant to the laws of the commonwealth governing the making of like contracts; provided, that where such maintenance, operation, construction, enlargement and improvement of the airport, and purchase of materials, supplies and equipment, is financed wholly or partly with federal moneys, the airport commission may act in the manner prescribed by the federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other law of the commonwealth to the contrary.

**Section 51J Rules and regulations; use of airports; safety of public -** An airport commission shall adopt rules and regulations for the use of municipal airports or for the safety of the public upon or beyond the limits of airports under its control, whether such airport facilities are within or without the territorial limits of the city or town. Such rules and regulations shall not be effective until approved by the Massachusetts aeronautics commission and published in the

same manner that by-laws and ordinances are required to be published. Such rules and regulations shall conform to and be consistent with the laws of the commonwealth and the rules and regulations of the Massachusetts aeronautics commission, and shall not be inconsistent with or contrary to any act of the Congress of the United States relating to aeronautics or any regulations promulgated or standards established pursuant thereto.

**Section 51K Federal funds; receipt by aeronautics commission; bids; contracts; loans in anticipation of funds** - Any airport commission established by law obtaining an offer for a grant of federal funds shall designate the Massachusetts aeronautics commission as its agent to receive federal moneys and receipt therefor in its behalf, and shall enter into an agreement with said last mentioned commission prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of the commonwealth.

Every such airport commission may invite bids for any contract involving the acquisition, establishment, construction, enlargement, protection, equipment, maintenance or operation of an airport, the site for which has been approved as provided by section thirty-nine B, and shall submit every such proposed contract to said Massachusetts aeronautics commission for approval. After approval has been given, said airport commission may award such contracts; provided, that the liability incurred shall not exceed the funds available therefor, including the appropriation voted and the amount of any gift or bequest, together with the amount or amounts stated in any existing agreements for the allotment or grant of funds by the federal government or commonwealth, or both.

If a city or town shall have an agreement with the federal government or the commonwealth whereby such government or commonwealth grants such city or town a sum of money to be used, with funds provided by said city or town, for an airport, and shall be required primarily to pay that portion of the expense for which reimbursement is to be received from such grant, or grants, the treasurer of such city or town, with the approval of the mayor or selectmen, as the case may be, in anticipation of the proceeds of such grant, or grants, may incur debt, which shall be outside the debt limit, to an amount not exceeding the amount of the grant or grants, as shown by the grant agreement or agreements and may issue notes therefor payable in not more than two years from their dates. Any loan issued under this section for a shorter period than two years may be refunded by the issue of other notes maturing within the required period; provided, that the period from the date of issue of the original loan to the date of maturity of the refunding loan shall not be more than two years. The proceeds of the grant or grants, so far as necessary, shall be applied to the discharge of the loan.

**Section 51L Contracts for construction, enlargement or improvement of airports by airport commission** - All contracts for the acquisition, establishment, construction, enlargement, improvement, protection, equipment, maintenance or operation of airports or other air navigation facilities, made by an airport commission itself or through the agency of the Massachusetts aeronautics commission, shall be made pursuant to the laws of the commonwealth governing the making of like contracts; provided, however, that where such acquisition, establishment, construction, enlargement, improvement, protection, equipment,

maintenance or operation is financed wholly or partly with federal moneys the airport commission, or the Massachusetts aeronautics commission as its agent, may let contracts in the manner prescribed by the federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other law of the commonwealth to the contrary.

**Section 51M Exclusive contracts, permits or licenses to transport persons for hire or to receive or deliver passengers at airports** - Neither the commonwealth nor any city, town or other authority shall give or grant any contract, license, permit or franchise to any person for the transportation of persons for hire by a public or private carrier, or to any person engaged in the business of leasing motor vehicles under the "drive-it-yourself" system, so called, or any similar system, which contract, license, permit or franchise by its terms purports to give to such a person, public carrier, private carrier or lessor, as the case may be, an exclusive right to receive or deliver passengers or engage in said business of leasing motor vehicles at or on the property of any publicly owned or controlled airport or any airport constructed in whole or in part with federal, state or other public funds.